(5)

BEFORE THE HON'BLE HGH COURT OF CHHATTISGARH, AT BILASPUR.

W.P. NO. WP/2000

WP 39/2000

1. B.V. BHADRAJYYA
S/O Late P. Satyanarayan,
Aged about 46 years,
R/o Qtr.No.1/B.
Street No.32, Sector 5,
Bhilai, Dist: Durg.

2. Rajesh Sharma,
S/o K.C. Sharma,
Aged about 40 years,
R/o 26A/Annexe-B,
Sector-1,Bhilai.

3. M.S. Nanda,
S/o Late S.S. Nanda,
Aged 52 Years,
Block 58,Plot-12
Nehry Nagar East,
Bhilai.

4. R.K. Shrivastava,
S/o Shri B.P. Shrivastava,
Aged about 45 Years,
R/o 5A/18/5, Bhilai

5. Somnath Shrivas,
S/o Late Shiv Charan Shrivas,
Aged 48 years
R/o Kelkar Para,
Indira Gandhi Ward,
Ward No.14
Raipur 492001

V/s

M Rajan
B.V. Bhadrajyya

1. Registrar Trade Union,
   M.P., Moti Bungalow,
   Indore (M.P.)

2. Registrar Trade Union,
   Raipur,Chhattisgarh.

3. Steel Workers Union,
   Shram Shakti Sadan,
   Sector 6,
   Bhilai.

4. Badruddin Qureshi,
   S/o Not known
   R/o Bungalow No.20,
   32, Bungalow complex, Bhilai.

5. S.S. Babu,
   S/o Not known
   35A, Avenue A,
   Sector 2
   BHILAI

6. Gajendra Singh,
   S/o Late Shrinivas Singh
   Qr.No.3A,Street No.13
   Seotor-6,
   BHILAI

7. Shri Ravi Arya,
   S/o Not known
   R/o BK37/4,
   Nehru Nagar,
   Bhilai.

M & Cam
BV Bhardwaja

8. Shri N.P. Sharama,
S/O Late Shri T.P. Sharma,
R/o. 13/B Street No.13,Sector-1
Bhilai

9. Asst. Labour Commissioner,
Durg, Chhattisgarh. RESPONDENTS

PETITION UNDER ARTICLE 226/227 CONSTITUTION OF INDIA FOR ISSUE OF WRIT OR MANDAMUS OF CERTIORARI OR ORDER OR DIRECTION OF LIFE NATURE.

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

W.P. No. 39/2000

मामला क्रमांक सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	20/3/2001 Mr. H.N. Vyas, learned Sr. counsel with Mr. N.K. Vyas for the petitioner. Dr. N.K. Shukla, learned Dy.A.G. for respondents nos. 1, 2 & 9. Mr. Rajeev Shrivastava, learned counsel for respondents nos. 4 to 6. Mr. B.R. Ghosh, learned counsel for respondents nos. 3, 7 & 8. Heard. I have made an attempt to see whether the matter can be finally heard and disposed of on merits by giving finding to all the issues raised in the present petition. After hearing counsel representing the parties at some length, one thing seems to be clear to me that election was held by the General Council though as contended by Mr. Vyas, learned counsel for the petitioner, it was not done by following procedure prescribed in this regard. Be that as it may, the matter as regards the validity of the said elect on is now pending determination ~~the termination~~ before the Industrial Court at Raipur, at the instance of respondents nos. 7 & 8. It has been contended	

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आदेश पत्रक (पुर्वानुबद्ध)

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

on behalf of the respondents that this writ petition is not maintainable inasmuch as an alternative remedy is available as the petitioners could also have approached the Industrial Court which is competent to decide the grievances of the writ petitioners. Mr. Vyas submitted that since the petitioners nos. 1 & 2 were not elected according to the procedure laid down in this regard, they could not have approached the Industrial Court. In this regard, certain ~~issues~~ decision are sought to be placed before this Court.

I am, however, of the view that it will be ~~xxix~~ a difficult ~~prdcession~~ proposition for this Court to enter into all these issues of facts as regards the actual holding of the election and participation of the petitioners nos. 1 & 2. It would be most convenient for the Industrial Court to determine every aspect of the grievance of all the parti concerned. In this view of the matter, the petitioners nos. 1 & 2 should not have any difficulty in placing their own grievances before the Industrial Court. Therefore, ~~instead of expressing~~ I donot wish to express any opinion about the decisions rendered by the M.P. High Court in the matter of interpretation of Section 28-J of Indian Trade Unions (M.P. Amendment) Act, 1960 as to do so ~~in the interest of justice~~ may prejudice the parties before the Industrial Court. Hence, without giving any finding to the issues raised before me and the submissions made at the Bar today, I am of the view that it would be fair and reasonable

GRPRJ—FS/511—1/2001—50,000.

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

if I dispose of this writ petition as follows:

1) the petitioners nos.1 & 2 shall be at liberty to approach the Industrial Court to redress their grievances. In other words, the petitioners nos. 1 & 2 shall be at liberty to participate at the proceedings pending before the Industrial Court at Raipur;

2) the petitioners shall also be permitted to file pleadings;

3) After hearing all the parties the learned Industrial Court shall decide the matter on merits; and

4) the petitioners shall appear before the Industrial Court at Raipur on 30/3/2001 with a copy of this order.

Certified copy to all the parties.

Sd/-
Chief Justice

rsnr

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